

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
**DIVISION OF WATER RIGHTS**  
**ORDER**

Application 26192 Permit 18199 License                     

ORDER APPROVING CHANGE  
IN SOURCES, POINTS OF DIVERSION, PLACE OF USE,  
A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

**WHEREAS:**


1. Permit 18199 was issued to Williams Tract County Water District on March 13, 1981, pursuant to Application 26192.
2. Permit 18199 was subsequently assigned to the June Lake Public Utility District (District).
3. Petitions for Change and an Extension of Time have been filed with the State Water Resources Control Board (SWRCB).
4. On December 22, 1995, the California Sportfishing Protection Alliance's protest was resolved based on a bypass condition for Fern Creek, which shall be included in this Order.
5. The petitioned changes would not constitute the initiation of a new right nor operate to the injury of any lawful user of water.

**NOW, THEREFORE, IT IS ORDERED THAT:**

1. Permit Condition 1 regarding the source be amended to read:  
  
1) Unnamed Spring tributary to Reversed Creek; and 2) Fern Creek tributary to Reversed Creek thence Rush Creek thence Mono Lake in Mono County. (0000001)
2. Permit Condition 2 regarding the points of diversion be amended to read:  
  
A) South 3,500 feet and West 2,400 feet from NE corner of Section 21, T2S, R26E, MDB&M, being within NW¼ of SE¼ of said Section. Also described as California Coordinate System, Zone 3, North 460,800, East 2,402,300.

- B) South 2,500 feet and East 900 feet from NW corner of Section 22, T2S, R26E, MDB&M, being within the SW $\frac{1}{4}$  of NW $\frac{1}{4}$  of said Section. Also described as California Coordinate System, Zone 3, North 461,800, East 2,405,600. (0000002)
3. Permit condition 4 regarding the purpose of use be amended to read: municipal and domestic. (0000003)
4. Permit Condition 4 regarding the place of use be amended to read:
- The "Down-Canyon Water Service Area", is described as follows:
- Within the SE $\frac{1}{4}$  of SE $\frac{1}{4}$  of Section 8, within the W $\frac{1}{2}$  of SW $\frac{1}{4}$  of Section 9, within the SW $\frac{1}{4}$  and the S $\frac{1}{2}$  of NW $\frac{1}{4}$  of Section 15, within the S $\frac{1}{2}$  and the NW $\frac{1}{4}$  of Section 16, within the E $\frac{1}{2}$  of Section 17, within the E $\frac{1}{2}$  of Section 20, within the N $\frac{1}{2}$  and the N $\frac{1}{2}$  of S $\frac{1}{2}$  of Section 21, within the N $\frac{1}{2}$  and the NW $\frac{1}{4}$  of SW $\frac{1}{4}$  of Section 22; all being within T2S, R26E, MDB&M, as shown on a map on file with the SWRCB. (0000004)
5. Permit condition 7 shall be deleted.
6. Permit condition 8 shall be amended to read:
- Complete application of the water to the authorized use shall be made by December 31, 2008.
7. A new condition 17 be added to the Permit to read as follows:
- The District shall install and maintain a permanent piped bypass around the Fern Creek source sized such that a minimum of 200 gallons per minute will always flow by the diversion regardless of water use by the District, and configured such that it cannot be restricted or plugged. (0050400)  
(0350400)

Dated: **OCTOBER 2 1998**

  
Harry M. Schueller, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 26192

PERMIT 18199

LICENSE \_\_\_\_\_

ORDER APPROVING A NEW DEVELOPMENT SCHEDULE, AND AMENDING THE PERMIT

WHEREAS:

1. A petition for extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
2. The permittee has proceeded with diligence and good cause has been shown for extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Paragraph 7 of the permit is amended to read as follows:

CONSTRUCTION WORK SHALL BE  
COMPLETED ON OR BEFORE

December 1, 1988 (0000008)

2. Paragraph 8 of the permit is amended to read as follows:

COMPLETE APPLICATION OF THE  
WATER TO THE PROPOSED USE  
SHALL BE MADE ON OR BEFORE

December 1, 1989 (0000009)

3. Paragraph 11 of this permit is deleted. A new paragraph 11 is added as follows:

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable

water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

4. Paragraph 15 of this permit is deleted. A new Paragraph 15 is added as follows:

Permittee shall consult with the Division of Water Rights and develop and implement a water conservation plan or actions. The proposed plan or actions shall be presented to the State Water Resources Control Board for approval within one year from the date of this permit or such further time as may, for good cause shown, be allowed by the Board. A progress report on the development of a water conservation program may be required by the Board at any time within this period.

All cost-effective measures identified in the water conservation program shall be implemented in accordance with the schedule for implementation found therein. (0000029)

Dated: JANUARY 22 1987

*Raymond Walsh*

Raymond Walsh, Chief  
Division of Water Rights

STATE OF CALIFORNIA  
THE RESOURCES AGENCY  
STATE WATER RESOURCES CONTROL BOARD  
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 18199

(over)

Application 26192 of WILLIAMS TRACT COUNTY WATER DISTRICT

P. O. BOX 124, JUNE LAKE, CALIFORNIA 93529

filed on JANUARY 31, 1980, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

UNNAMED STREAM

REVERSED CREEK THENCE

RUSH CREEK THENCE

MONO LAKE

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
SOUTH 2,000 FEET AND WEST 200 FEET FROM NE CORNER OF SECTION 21	SE1/4 OF NE1/4	21	2s	26E	MD

County of MONO

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
DOMESTIC	NE1/4 OF NE1/4	21	2s	26E	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 0.03 CUBIC FOOT PER SECOND TO BE DIVERTED FROM JANUARY 1 TO DECEMBER 31 OF EACH YEAR. THE MAXIMUM AMOUNT DIVERTED UNDER THIS PERMIT SHALL NOT EXCEED 21.7 ACRE-Feet PER YEAR.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

~~Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.~~

7. Construction work shall be completed on or before DECEMBER 1, 1984. (0000008)

8. Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1985. (0000009)

9. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued. (0000010)

10. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

11. Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation. (0000012)

12. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges. (0000013)

13. THIS PERMIT SHALL NOT BE CONSTRUED AS CONFERRING UPON THE PERMITTEE RIGHT OF ACCESS TO THE POINT OF DIVERSION. (0000012)

14. THE EQUIVALENT OF THE CONTINUOUS FLOW ALLOWANCE FOR ANY 7-DAY PERIOD MAY BE DIVERTED IN A SHORTER TIME, PROVIDED THERE BE NO INTERFERENCE WITH OTHER VESTED RIGHTS AND INSTREAM BENEFICIAL USES; AND PROVIDED FURTHER THAT ALL TERMS OR CONDITIONS PROTECTING INSTREAM BENEFICIAL USES BE OBSERVED. (0000017)

15. THE STATE WATER RESOURCES CONTROL BOARD, UNDER ITS AUTHORITY TO CONSERVE THE PUBLIC INTEREST, RETAINS CONTINUING AUTHORITY OVER THIS PERMIT TO REQUIRE PERMITTEE TO DEVELOP AND IMPLEMENT A WATER CONSERVATION PROGRAM, AFTER NOTICE AND OPPORTUNITY FOR HEARING. THE REQUIREMENTS OF THIS TERM MAY BE SATISFIED BY PERMITTEE'S COMPLIANCE WITH ANY COMPREHENSIVE WATER CONSERVATION PROGRAM, APPROVED BY THE STATE WATER RESOURCES CONTROL BOARD, WHICH MAY BE IMPOSED BY A PUBLIC AGENCY. (0000029)

16. IN ACCORDANCE WITH THE REQUIREMENTS OF FISH AND GAME CODE SECTION 5946, THIS PERMIT IS CONDITIONED UPON FULL COMPLIANCE WITH SECTION 5937 OF THE FISH AND GAME CODE. (0140066)

This permit is issued and permittee takes it subject to the following provisions of the Water Code.

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: MARCH 13 1981

STATE WATER RESOURCES CONTROL BOARD

*Walter Pelt*  
CHIEF, DIVISION OF WATER RIGHTS